

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**FILED**

**UNITED STATES OF AMERICA,**

) Magistrate Docket No.

Plaintiff,

2008 JUL 14 AM 10:39  
08 MJ 2128 SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF: XMT DEPUTY

**Jose ROMERO-Altamirano**  
**AKA: Jose ROMERO-Alta Mirano,**

) Title 8, U.S.C., Section 1326

Defendant

) Deported Alien Found in the  
United States

)

)

The undersigned complainant, being duly sworn, states:

On or about **July 13, 2008**, within the Southern District of California, defendant, **Jose ROMERO-Altamirano AKA: Jose ROMERO-Alta Mirano**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14<sup>th</sup> DAY OF JULY, 2008

  
 \_\_\_\_\_  
 Cathy A. Bencivengo  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Jose ROMERO-Altamirano****AKA: Jose ROMERO-Alta Mirano****PROBABLE CAUSE STATEMENT**

On July 13, 2008, at approximately 1:30 AM, Border Patrol Agent O. Lopez was performing line watch operations in the Imperial Beach Border Patrol Station's area of responsibility. Agent Lopez was notified by an Infrared Scope Operator, of approximately seven heat signatures moving northbound in an area that is approximately four miles west of the San Ysidro, California Port of Entry and approximately 300 yards north of the United States/Mexico International Boundary.

Agent Lopez responded to the area and after a brief search encountered seven individuals attempting to hide in the thick brush. Agent Lopez identified himself as a United States Border Patrol Agent and questioned all seven individuals as to their citizenship. All seven including one later identified as the defendant **Jose ROMERO-Altamirano**, admitted that they were citizens and nationals of Mexico without any immigration documents that would allow them to remain in the United States legally. All seven individuals were subsequently arrested at approximately 1:45 a.m., and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 2, 2008**, through **Paso Del Norte, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant also admitted to entering the United States illegally on July 13, 2008 and was traveling to San Diego, California.